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Attorneys for Defendants  
FITBIT, INC., JAMES PARK,  
and WILLIAM R. ZERELLA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

BRIAN H. ROBB, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

FITBIT INC., JAMES PARK, and  
WILLIAM R. ZERELLA,

Defendants.

No. 3:16-cv-00151-SI

**STIPULATION AND ~~[PROPOSED]~~  
SCHEDULING ORDER**

JUDGE: Hon. Susan Illston  
CTRM: 1 – 17th Floor

1 Pursuant to Civil Local Rule 7-12, Defendants Fitbit Inc., James Park, and William R.  
2 Zerella (“Defendants”) and Plaintiff Brian H. Robb (“Plaintiff” and collectively, with Defendants,  
3 the “Parties”), by and through their undersigned counsel of record, submit the following  
4 stipulation and proposed scheduling order:

5 WHEREAS, the Court scheduled a Case Management Conference (“CMC”) in this Action  
6 for April 15, 2016 at 2:30 p.m. (Dkt. No. 5);

7 WHEREAS, on April 11, 2016, the Court entered an order (Dkt. No. 54) approving the  
8 Parties’ joint stipulation extending Defendants’ time to respond to the complaint, which provided  
9 that “Within 10 (ten) days after this Court appoints a Lead Plaintiff, the Lead Plaintiff and  
10 Defendants will submit to the Court a proposed schedule for (1) Lead Plaintiff’s filing of an  
11 Amended Complaint or designation of the Complaint as the operative complaint in this action;  
12 and (2) Defendants’ time to answer or otherwise respond to the operative complaint.” (Dkt. No.  
13 50);

14 WHEREAS, on April 12, 2016, the Parties submitted a joint stipulation requesting that the  
15 April 15, 2016 CMC be rescheduled to June 3, 2016 at 2:30 p.m., or a subsequent date convenient  
16 for the Court (Dkt. No. 56);

17 WHEREAS, on April 14, 2016, the Court entered an order approving the Parties’  
18 April 12, 2016 stipulation and rescheduled the CMC to June 10, 2016 at 2:30 p.m. (Dkt. No. 57);

19 WHEREAS, on April 15, 2016, the Court held a hearing on motions to appoint lead  
20 plaintiff and lead counsel. (Dkt. No. 60);

21 WHEREAS, on April 19, 2016, the Court advanced the CMC scheduled for June 10, 2016  
22 to June 9, 2016 at 2:30 p.m. (Dkt. No. 63);

23 WHEREAS, on May 10, 2016, the Court issued a written order granting Fitbit Investor  
24 Group’s motion for appointment of lead plaintiff and granting its motion for appointment of  
25 Pomerantz LLP and Glancy Prongay & Murray LLP as co-lead counsel. (Dkt No. 73);

26 WHEREAS, the parties have met and conferred and agreed that given the parties’  
27 schedules and the complexity of this securities action, that approximately 45 days should be  
28

1 afforded to file an amended complaint and approximately 30 days should be afforded to respond  
2 to that complaint.

3 WHEREAS, the Parties believe it would save judicial and Party resources if the CMC is  
4 deferred until after the Court rules on Defendants' anticipated motion to dismiss;

5 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between  
6 the undersigned Parties that:

- 7 1. Lead Plaintiff shall file an amended complaint no later than July 1, 2016;
- 8 2. Defendants' motion to dismiss the amended complaint shall be filed on or before  
9 July 29, 2016.
- 10 3. The CMC shall be rescheduled to October 14, 2016 at 2:30 p.m., or such  
11 subsequent date that is convenient for the Court.

Dated: May 20, 2016

**POMERANTZ LLP**

/s/ Jeremy A. Lieberman

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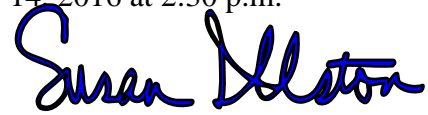
*Counsel for Defendants*  
FITBIT INC., JAMES PARK,  
and WILLIAM R. ZERELLA

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED:

1. Lead Plaintiff shall file an amended complaint no later than July 1, 2016;
2. Defendants' motion to dismiss the amended complaint shall be filed on or before July 29, 2016.
3. The CMC shall be rescheduled to October 14, 2016 at 2:30 p.m.

DATED: 5/25/16



Honorable Judge Susan Illston

**ATTESTATION**

I, Ryan M. Keats, am the ECF User whose ID and password are being used to file this  
**STIPULATION AND [PROPOSED] SCHEDULING ORDER.** In compliance with Civil L.R.  
5-1, I hereby attest that Jeremy A. Lieberman concurred in this filing.

\_\_\_\_\_  
/s/ Ryan M. Keats